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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAMUEL L. JONES JR.,

Plaintiff,

No. 07 Civ. 5693 (BSJ/AJP)

-against-

INFINITY BROADCASTING CORPORATION
OF WASHINGTON, D.C. n/k/a CBS RADIO INC.
OF WASHINGTON, D.C.,

DECLARATION OF
VICTOR RIVERA JR.

Defendant.

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INFINITY BROADCASTING CORPORATION
OF WASHINGTON, D.C. n/k/a CBS RADIO INC.
OF WASHINGTON, D.C.,

Counterclaimant and Third-Party Plaintiff,

-against-

SAMUEL L. JONES JR.,

Counterclaim Defendant, and

RADIO ONE, INC.

Third-Party Defendant.
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VICTOR RIVERA JR. hereby declares as follows:

1. I am Of Counsel to the firm of Lebensfeld Borker Sussman & Sharon LLP, attorneys for plaintiff Samuel L. Jones Jr. Our firm has also appeared specially for Radio One, Inc. ("Radio One") in connection with Radio One's motion to dismiss the "third-party complaint", and to modify the Amended Preliminary Injunction, on the basis of lack of personal jurisdiction. I make this Declaration to present to the Court a series of communications between this firm and counsel for CBS Radio with regard to a request by the promoters of a long-planned personal appearance by Huggy Lowdown at the Hyatt Regency in Crystal City, Virginia, to advertise such personal appearance on Radio One's WMMJ serving the Washington D.C. metropolitan area. Such emails, collectively marked Ex. 3, consist of the following:

- (i) August 7, 2007 (6:42 p.m.) -- from Jones' attorney to CBS Radio's attorney;
- (ii) August 8, 2007 (11:27 a.m.) -- from CBS Radio's attorney to Jones' attorney;
- (iii) August 8, 2007 (12:28 p.m.) -- from Jones' attorney to CBS Radio's attorney;
- (iv) August 8, 2007 (6:38 p.m.) -- from CBS Radio's attorney to Jones' attorney; and
- (v) August 9, 2007 (9:56 a.m.) -- from Jones' attorney to CBS Radio's attorney;

2. Although certain of the matters set forth in the referenced emails address settlement and other extraneous matters -- which we request the Court not consider --, the result of such exchange is that CBS Radio has "reserve[d] [its] rights to enforce the injunction" if the promotion is aired on Radio One. The differing views

concerning the propriety of such promotions are unavoidable given what we consider to be the amorphous nature of the restraints set forth in the Amended Preliminary Injunction.

I declare under penalty of perjury that the foregoing is true and correct.

Executed under penalty of perjury at New York, NY, on August 9, 2007.



VICTOR RIVERA JR.